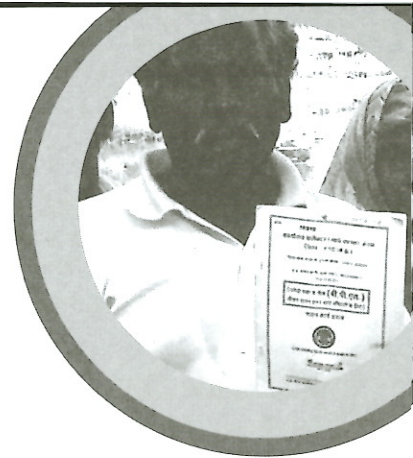


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LAND RIGHTS AND DALIT COMMUNITY IN BANGLADESH



Landless is among the most common features associated with the Dalit population. In rural or urban areas many of the Dalits are landless and they make their housing arrangement on the land that is basically of private ownership or is owned by the government. In most cases Dalits live in ancestral houses that they have not acquired or bought themselves. One study on Dalit communities found that 60% of the respondents have said that they are not the owner of their house. In fact, ownerships of land or property is very rare among these people. Their ancestors got allocation or built houses on the land owned by government and individual land lords and they have continued to live there. This non-ownership of land and property put them under continuous threat of eviction and replacement. Caste based identity is the main constraint of their ownership of land even if they have financial ability. Though government has a scheme of allotting khas land among the extreme poor, however, none of Dalits have ever been allocated any government khas land even though they are extreme poor. Some of the communities living in the rural areas over time have got ownership of small parcels of land. However, in recent times these Dalit are being forcibly evicted from their land. Particularly in northern districts of the country, powerful non-Dalits have become active in grabbing land from relatively powerless communities such as Dalits.

A baseline survey among Dalits living in the south-western district of Satkhira found that 95.1% own their homestead land. However, only 42.16% own cultivable land. Moreover, over the years Dalit households have failed to buy in or receive allocations of agricultural land. This failure or inability works as one of the main reasons for their current poor situation. The study found that 40.2% have had the experience of being evicted or thrown out of the land that they once had access to. 32% were evicted by the influential (non-Dalit) persons of the area, whereas 33.93% were evicted by their relatives. Furthermore, 3.66% of the respondents were forced off land by the government. The main constraint on land ownership is not financial inability only. 30% of respondents said that they would not be able to buy land from other non- Dalits, even if they have the financial ability to do so, only because of their caste identity. Tea garden workers are traditionally landless. However, none of the labourers have ever been allocated any government khasland even though they are 'extreme poor'. The Municipalities in many cases have allotted land to sweepers for living, but the physical conditions are extremely unhygienic. Even if some families can afford to buy land they are not able to move outside their own community environs.

Legal and constitutional provision

Article 42(1) Constitution of Bangladesh says - Subject to any restrictions imposed by law, every citizen shall have the right to acquire, hold, transfer or otherwise dispose of property, and no property shall be compulsorily acquired, nationalized or requisitioned save by authority of law. National Housing Policy 2008 states the government shall endeavor to prepare land with physical infrastructure and urban facilities so that the poor sections of the population are benefited. All the modern and appropriate amenities should be made available in land thus prepared. For every region/ area there should be separate development plan. There are two major governmental policies for the distribution of Khas land in Bangladesh: Distribution of Agricultural Khas land policy 1987 and Policy for Distribution and Administration of Non-Agricultural Khas Land 1995. There is also the Khas Land settlement Policy 1997 and the National Land use policy 2001. This allows of transfers of agricultural land to landless poor. There is also a non-agricultural Khas land Policy for land in metropolitan areas. This land can be distributed among poor families in limited circumstances, if they have become destitute by natural disaster or any family legally resettled by the government. However, no recommendation as regards Dalit ownership of land and other natural resources has yet been made by any official or government agency. The current rules make it

virtually impossible for Dalits to get share of government allocations and schemes in relation to land distribution and rural housing. One main reason is that Dalits or their ancestors are not peasants, connected to agrarian professions. Even if Dalits were not connected to agrarian professions in many cases, they deserve to have minimum level of land ownership as they are amongst the most vulnerable groups of people in the country.

Immediate Tasks

- To allot khas land to Dalit and excluded communities on priority basis;
- To be entitled to have ownership of the government lands or tea garden lands on which Dalits have lived for a number of years a national survey should be undertaken to identify which social groups have access to land and which do not;
- Lands allotted to Dalits should be non-transferable under any circumstances to non-Dalits;
- To allow to freely buying in, sell out and enjoy use of the land;
- To stop temporary or permanent removal of Dalit from their land or ancestral colonies without the provision of proper rehabilitation;
- The state should ensure security of tenure to Dalits through creating supportive legal structures (such as Special Land Tribunals or Fast Track Courts);
- Landless Dalits to be granted adequate land title in order to have a decent livelihood in rural areas.

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- 2) পারভেজ, আলতাফ ও মাজহারুল ইসলাম, (অক্টোবর ২০১৪), বাংলাদেশের দলিত সমাজ: বৈষম্য, বঞ্চনা ও অস্পৃশ্যতা, প্রকাশনায় বাংলাদেশ দলিত ও বঞ্চিত জনগোষ্ঠী অধিকার আন্দোলন (বিডিইআরএম) ও নাগরিক উদ্যোগ।
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